

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

JAMES HAVASSY, *individually, and on behalf of all  
others similarly situated,*

Plaintiff,

-against-

KELLER WILLIAMS REALTY, INC.,

Defendant.

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE**, that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Keller Williams Realty, Inc. (“KWRI”) hereby give notice of the removal of this action from the Court of Common Pleas of Lehigh County, Pennsylvania, Civil Division, where it is now pending, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, KWRI states:

1. Plaintiff filed a Class Action Complaint (“Complaint”) styled *James Havassy v. Keller Williams Realty, Inc.*, bearing Case No. 2021-C-2317, before the Court of Common Pleas of Lehigh County, Pennsylvania, Civil Division. A copy of the Complaint is annexed hereto as Exhibit A.

2. KWRI first received notice of the Complaint at the earliest on or about September 30, 2021.

3. The Complaint asserts a federal cause of action against KWRI for purported violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 et seq.

4. Accordingly, this action may be removed pursuant to 28 U.S.C. § 1441(a) as this Court has federal question jurisdiction under 28 U.S.C. § 1331.

5. This notice of removal is timely pursuant to 28 U.S.C. § 1446(b) because it is filed within 30 days after service of the Complaint. *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

6. This Notice was filed with the Clerk of the United States District Court within thirty (30) days after service of the Complaint upon the KWRI. 28 U.S.C. § 1446(b).

7. 28 U.S.C. §1441(b) provides as follows:

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the state in which such action is brought.

8. The United States District Court for the Eastern District of Pennsylvania has jurisdiction over these claims due to the fact that the TCPA allegations against KWRI contained in the Complaint arise under the Constitution, laws or treaties of the United States. 28 U.S.C. § 1331.

9. Concurrent with the filing of this Notice of Removal, KWRI is filing a Notice of Filing Notice of Removal with the Court of Common Pleas of Lehigh County, Pennsylvania, Civil Division, as required by 28 U.S.C. § 1446(d).

10. A civil cover sheet and the payment of the required filing fee accompanies this Notice as Exhibit B.

11. KWRI makes no admission of liability by this Notice of Removal and expressly reserves its right to raise all defenses and objections to plaintiff's claims after the action is removed

to the above Court, including, without limitation, any objections to the merits and sufficiency of the pleadings asserted by plaintiff.

**WHEREFORE**, KWRI respectfully requests that this action be removed from the Court of Court of Common Pleas of Lehigh County, Pennsylvania, Civil Division to the United States District Court for the Eastern District of Pennsylvania.

**FREEMAN MATHIS & GARY LLP**

By: *s/ John D. Shea*  
John D. Shea  
3 Executive Campus  
Suite 350  
Cherry Hill, NJ 08002-4127  
jshea@fmglaw.com  
(856) 406-1265  
*Attorney for Defendant,*  
*Keller Williams Realty, Inc.*

Dated: October 20, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing, Notice of Removal  
via electronic mail on the following counsel of record:

Craig T. Kimmel  
Jacob U. Ginsberg  
Kimmel & Silverman, P.C.  
*Attorneys for Plaintiff*  
30 East Butler Pike  
Ambler, PA 19002  
kimmel@creditlaw.com  
jginsburg@creditlaw.com

David T. Butsch  
Christopher E. Roberts  
Butsch Roberts & Associates LLC  
*Attorneys for Plaintiff*  
231 S. Bemiston Avenue, Suite 260  
Clayton, MO 63105  
dbutsch@butschroberts.com  
croberts@butschroberts.com

*s/ John D. Shea*

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John D. Shea